HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1070(S/S) 2005

Dinesh Singh Gusai S/o Prithvi Singh Gusai,
Resident of Village Dharkote, P.O. Yamkeshwar,
Patti Ghurdaursyun, District Pauri Garhwal,
----Petitioner.

Versus

1. State of Uttaranchal, through the Secretary,
   Revenue Department, Uttaranchal, Dehradun,
2. Commissioner, Garhwal Division, Pauri,
3. District Magistrate, Pauri Garhwal,
4. Addl./Sub Divisional Magistrate, Barasyun, Pauri,
5. Sub Divisional Magistrate, Rudraprayag,
   Chamoli (now Rudraprayag). ----Respondents.

Mr. B.S. Negi, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for the State/ respondent no. 1,

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Negi, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State/ Respondents.

The present writ petition has been filed by the petitioner for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3/ District Magistrate, Pauri Garhwal to consider the candidature of the petitioner forthwith for appointment on the post of Seasonal Collection Amin and pay the salary to the petitioner wherever it falls due,

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to appoint the petitioner on the post of Seasonal Collection Amin in the department when other similarly situated employees appointed on the post of Seasonal Collection Amin,

iii. Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the representation dated 05.10.1997, 02.10.1998, 08.10.1999, 12.10.2000, 15.10.2001, 30.10.2002 and 04.04.2004 of the petitioner (annexure no. 8 to this writ petition),

iv. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

v. Award the cost.

Submission of the learned counsel for the petitioner is that the petitioner was appointed as Seasonal Collection Amin in the district Pauri Garhwal in the year 1989 and continued till 1996-97. Thereafter, he was not provided appointment on the post of Seasonal Collection Amin in the district. Learned counsel for the petitioner has submitted that in pursuance of the order passed by the Allahabad High Court in the case of Umrao Singh Vs. State of U.P., the State of Uttaranchal has created as many as many as 192 posts of Collection Amin/Collection Peons in the State of Uttaranchal out of which 47 posts have been created for the district Pauri Garhwal.

Submission of the learned counsel for the petitioner is that since he has worked in department for a long period, he

may be provided appointment against the vacant post of Collection Amin.

On the other hand, learned Standing Counsel has denied the averments made by the petitioner in the writ petition. In the counter affidavit, the respondents have submitted that the petitioner has worked only for 48 days in the year 1995 and he has not worked in the Department after 1995.

In the circumstances of the case it is provided that in case, the posts are still vacant; whenever procedure for recruitment on the post of Collection Amin is started by the Department the petitioner may apply for the same and it is expected from the respondents that they will consider the case of the petitioner in accordance with law and will also consider the fact that the petitioner has already worked with the Department.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 4, 2006:
NCM: